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C O N F I D E N T I A L SECTION 01 OF 02 ASTANA 002178

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SUBJECT: KAZAKHSTAN: CIVIL SOCIETY EXPRESSES CONCERNS
ABOUT PROGRESS ON MADRID COMMITMENTS, RELIGION LEGISLATION

REF: ASTANA 2147

Classified By: Ambassador Richard Hoagland, Reasons 1.4 (b) and (d)

¶1. (SBU) SUMMARY: On October 30, civil society leaders briefed several Astana-based diplomatic missions on Kazakhstan's progress on its Madrid commitments on democratic reform and on religion legislation pending in parliament. In their view, the government is not going far enough in fulfilling the Madrid commitments and is not taking into account the ideas of civil society in the required amendments to Kazakhstan's election, political party, and media legislation. On religion, the Helsinki Committee's Ninel Fokina said that the authorities are increasing pressure on "non-traditional" faiths in an effort to build up political support for the pending religion legislation. She believes continued pressure from civil society and the international community is necessary to get the government take into account ODIHR's recommendations on the legislation. She is also hopeful that the international focus will encourage President Nazarbayev to submit the legislation to Kazakhstan's Constitutional Court for review. END SUMMARY.

"LITTLE PROGRESS" ON MADRID COMMITMENTS

¶2. (SBU) On October 30, civil society leaders gave a briefing for the Astana diplomatic community on Kazakhstan's progress on the Madrid commitments and the status of religion legislation pending in parliament. The Legal Policy Research Center NGO was organized the briefing, and the panelists included Human Rights Bureau head Yevgeniy Zhovtis, Almaty Helsinki Committee leader Ninel Fokina, Adil Soz head Tamara Kaleyeva, and Charter for Human Rights director Zhemis Turmagambetova. In addition to us, representatives from the embassies of Canada, the United Kingdom, Italy, Poland, the Netherlands, and the OSCE Center attended the event.

¶3. (SBU) The panelists presented a predictably dire assessment of Kazakhstan's progress on the Madrid commitments. Opening the panel, Zhovtis told the group that "civil society's hopes of progress on the law of political parties, the election law, and media legislation have not

been realized." Speaking about the election law, he said that NGO representatives participated in only three working-group meetings held by the Central Election Commission (CEC), and that civil society's concrete proposals for legislative changes, including access to electoral lists, opposition party representation in electoral commissions, and unhindered access of international observers to polling stations, were not taken into account. On the political party law, Zhovtis stressed that "any worthwhile reform" would need to include reform of the party registration process, greater access to mass media for all parties, and unhindered freedom of political campaigning. "We've laid these points out to the government," he said, "but again, no moves on their part."

14. (SBU) Adil Soz's Kaleyeva was equally critical of progress on the media law. She maintained that it was "too narrow" to focus strictly on the media law -- true liberalization of the media environment requires addressing libel laws and other regulations regarding registration of media outlets. Kaleyeva contended that the current draft amendments to the media law -- which was put together by the Ministry of Information and Culture in consultation with NGOs, including her own -- "contains only one percent civil society input." She conceded that the draft would soften the punishment for libel and put journalists on an equal footing with plaintiffs in libel suits, but pointed out that, among other concerns, criminal liability for libel would remain.

CALLS FOR CONTINUED PRESSURE ON RELIGION LAW

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15. (SBU) Kazakhstan's pending religion legislation was also a major focus of the briefing. The Helsinki Committee's Ninel Fokina characterized the pending legislation as "an example of the government's policy of regulating, rather than providing for, human rights." She outlined several recent instances of reported infringement on the freedoms of smaller "non-traditional" religious groups, including the expulsion of several foreign missionaries, the pending lawsuit against the Almaty Hare Krishnas, and the investigation of several churches by the tax authorities. Fokina maintained that negative media reporting on groups such as the Grace Church and Scientologists "is organized by the National Security Committee (KNB) to stoke intolerance among the population and prepare the ground for the new law." "The trend is worsening," she said. Fokina believes that continued pressure from civil society and the international community is necessary to encourage the government to take into account ODIHR's recommendations regarding the legislation. She hopes that continued international focus would encourage President Nazarbayev to send the legislation to the Constitutional Court for review. He has done so twice in the past five years, and in both instances the Court ruled the legislation unconstitutional.

16. (C) COMMENT: The government appears increasingly likely to follow through on the Madrid commitments. Foreign Minister Tazhin assured the Ambassador on October 29 that bills to amend the election, political party, and media laws will be introduced to parliament during November or December (see reftel). The legislative changes will undoubtedly fall short of the hopes of civil society leaders. Our focus should be on ensuring that in any event, they represent clear movement in the right direction. There is also little doubt that the religion legislation is headed for final parliamentary approval in the near future. Fokina's suggestion on urging the government to subsequently submit it for Constitutional Court review is a good one. END COMMENT.
HOAGLAND